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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,096	09/10/2003	Yoshiro Udagawa	1232-5142	5924
27123	7590	02/05/2009	EXAMINER	
MORGAN & FINNEGAN, L.L.P.			LAM, HUNG H	
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NEW YORK, NY 10281-2101			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			02/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/660,096	<b>Applicant(s)</b> UDAGAWA, YOSHIRO
	<b>Examiner</b> HUNG H. LAM	<b>Art Unit</b> 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 22 October 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)           | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1668) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed on 10/22/08, have been entered and made of record. Claims 1-19 are pending.
  
2. In view of the Applicants' amendment to the title, the objection to the title is hereby withdrawn.

***Response to Arguments***

3. Applicant's arguments with respect to Claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.
  
4. In view of the Applicant's amended claims 16 and 18, the rejections of claims 16 and 18 under 35 U.S.C. 101 are hereby withdrawn. It is noticed that the claimed "computer readable medium" is defined in the specification at sections 0013, 0035, 0055, and thus, the claimed "computer readable medium" has been treated to exclude the transmission or communication type of medium.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 3-8, 10-12, 14-16, 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuda (US-2005/0,225,662).

With regarding **claim 1**, Tsuda discloses an image sensing apparatus having at least a filter insertion/removal device which is operated by a user and inserts and removes an optical filter for reducing a light quantity to an image sensing element serving as an optical system (abstract), comprising:

a signal processing device (Fig. 1; Luminance Signal Detection Circuit 507 and IRIS Control Signal Computing Circuit 511) which performs signal processing so as to generate image data from an image sensing signal output from the image sensing element (0097-0098);

a brightness value calculation device (IRIS Control Signal Computing Circuit 511 and IRIS Low Speed Control Mode Part 513) which calculates a first brightness value representing a brightness of part or all of an object which is imaged on the image sensing element (0101-0103; 0110: the Iris Low-Speed Control Signal is interpreted as the first brightness value);

a brightness value correction device (IRIS Control Signal Computing Circuit 511 and IRIS High Speed Control Mode Part 512) which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device (abstract; 0060-0061; 0101-0103; 0110: the Iris High-Speed Control Signal which is differed from the Iris Low-Speed Control Signal is interpreted as the second brightness value); and

a control device which controls the signal processing in said signal processing device by using the second brightness value (abstract; 0098-0102).

With regarding **claim 3**, Tsuda discloses an image sensing apparatus having at least a filter insertion/removal device which is operated by a user and inserts and removes an optical filter for reducing a light quantity to an image sensing element serving as an optical system (abstract), comprising:

a signal processing device (Fig. 1; Luminance Signal Detection Circuit 507 and IRIS Control Signal Computing Circuit 511) which performs signal processing so as to generate image data from an image sensing signal output from the image sensing element (0097-0098);

a brightness value calculation device (IRIS Control Signal Computing Circuit 511 and IRIS Low Speed Control Mode Part 513) which calculates a first brightness value representing a brightness of part or all of an object which is imaged on the image sensing element (0101-0103; 0110: the Iris Low-Speed Control Signal is interpreted as the first brightness value);

a brightness value correction device (IRIS Control Signal Computing Circuit 511 and IRIS High Speed Control Mode Part 512) which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device (abstract; 0060-0061; 0101-0103; 0110: the Iris High-Speed Control Signal which is differed from the Iris Low-Speed Control Signal is interpreted as the second brightness value); and

a control device which controls the optical system by using the second brightness value (abstract; 0060-0061; 0098-0102).

With regarding **claim 4**, Tsuda discloses the apparatus according to claim 3, wherein said control of the optical system includes control of an exposure value to the image sensing element (0103).

With regarding **claim 5**, Tsuda discloses the apparatus according to claim 4, wherein the optical system further comprises an aperture device (Fig. 1; Iris 503) which changes an aperture diameter, and control of the exposure value includes control of the aperture diameter of the aperture device (0103; 0108-0109).

With regarding **claim 6**, Tsuda discloses the apparatus according to claim 1, wherein the optical filter includes an ND filter (Fig. 1; ND filter 502).

With regarding **claim 7**, Tsuda discloses the apparatus according to claim 1, wherein said brightness value calculation device calculates the first brightness value on the basis of an aperture value determined in accordance with an aperture diameter of an aperture device, a time value determined in accordance with a time during which an object image is formed on the image sensing element (0101-0108: it is inherent that Iris Low-Speed Control signal is calculated on the basic of Iris Open and/or Close direction and Speed), and a sensitivity of the image sensing element (0013: Tsuda further

suggested to increase sensitivity of the image pickup when luminance/brightness is low).

With regarding **claim 8**, Tsuda discloses an image sensing method using an image sensing apparatus having at least a filter insertion/removal device which inserts and removes an optical filter for reducing a light quantity to an image sensing element serving as an optical system (abstract), comprising:

a first step of calculating a first brightness value representing a brightness of part or all of an object which is imaged on the image sensing element (0101-0103; 0110: the Iris Low-Speed Control Signal is interpreted as a step of calculating a first brightness value);

a second step of calculating a second brightness value by correcting the first brightness value calculated in the first step on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device (abstract; 0060-0061; 0101-0103; 0110: the Iris High-Speed Control Signal which is differed from the Iris Low-Speed Control Signal is interpreted as a step of calculating a second brightness value); and

a third step of controlling, by using the second brightness value calculated in the second step, signal processing of generating image data from an image sensing signal output from the image sensing element (abstract; 0060-0061; 0098-0102).

With regarding **claim 10**, the claim is a method claim of an apparatus claim 3.

Therefore, claim 10 is analyzed and rejected as discussed in claim 3.

With regarding **claim 11**, the claim is a method claim of an apparatus claim 4.

Therefore, claim 11 is analyzed and rejected as discussed in claim 4.

With regarding **claim 12**, the claim contains the same limitations as claimed in 8.

Therefore, claim 12 is analyzed and rejected as discussed in claim 8.

With regarding **claim 14**, the claim contains the same limitations as claimed in claim 3. Therefore, claim 14 is analyzed and rejected as discussed in claim 3.

With regarding **claim 15**, the claim contains the same limitations as claimed in claim 4. Therefore, claim 15 is analyzed and rejected as discussed in claim 4.

With regarding **claim 16**, the claim contains the same limitations as claimed in 8. Therefore, claim 16 is analyzed and rejected as discussed in claim 8.

With regarding **claim 18**, the claim contains the same limitations as claimed in claim 3. Therefore, claim 18 is analyzed and rejected as discussed in claim 3.

With regarding **claim 19**, the claim contains the same limitations as claimed in claim 4. Therefore, claim 19 is analyzed and rejected as discussed in claim 4.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 ,9, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuda in view of Kenmochi (US-5,900,947).

With regarding **claim 2**, Tsuda fails to disclose the apparatus according to claim 1, wherein said control of the signal processing includes control of white balance processing.

In the same field of endeavor, Kenmochi teaches a camera system wherein the camera CPU 901 the camera entirely generated instructions to control the focus, zoom, iris, and white balance through the camera control unit 910 (Col. 11, Ln. 12-20). In light of the teaching from Kenmochi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Tsuda to include a white balance control function/step. The modification thus provides a more versatile camera system.

With regarding **claim 9**, Tsuda fails to disclose the method according to claim 8, wherein control of the signal processing in the third step includes control of white balance processing.

In the same field of endeavor, Kenmochi teaches a camera system wherein the camera CPU 901 the camera entirely generated instructions to control the focus, zoom, iris, and white balance through the camera control unit 910 (Col. 11, Ln. 12-20). In light of the teaching from Kenmochi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Tsuda to include a white balance control function/step. The modification thus provides a more versatile camera system.

With regarding **claim 13**, the claim contains the same limitations as claimed in 9. Therefore, claim 13 is analyzed and rejected as discussed in claim 9.

With regarding **claim 17**, the claim contains the same limitations as claimed in 9. Therefore, claim 17 is analyzed and rejected as discussed in claim 9.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG H. LAM whose telephone number is (571)272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HL  
01/25/09

/Sinh N Tran/  
Supervisory Patent Examiner, Art Unit 2622